

Members

Rep. Susan Crosby, Chairperson
Rep. Cindy Noe
Sen. Connie Lawson
Sen. Mark Blade
Bryan Lett
David Giles
Gloria Kardee
Amy Cook Lurvey



INDIANA COMMISSION ON MENTAL HEALTH

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

LSA Staff:

K.C. Norwalk, Attorney for the Commission
Kathy Norris, Fiscal Analyst for the Commission

Authority: P.L. 37-1998

MEETING MINUTES¹

Meeting Date: October 17, 2002
Meeting Time: 10:30 A.M.
Meeting Place: State House, 200 W. Washington
St., Room 233
Meeting City: Indianapolis, Indiana
Meeting Number: 4

Members Present: Rep. Susan Crosby, Chairperson; Rep. Cindy Noe; Sen. Connie Lawson; David Giles; Gloria Kardee; Amy Cook Lurvey.

Members Absent: Sen. Mark Blade; Bryan Lett.

Chairperson Crosby called the third meeting of the Indiana Commission on Mental Health ("Commission") to order at 10:30 A.M. and asked the members of the Commission to introduce themselves.

TESTIMONY REGARDING DRUG COURTS

Mary Kay Hudson, Drug Court Coordinator for the Indiana Judicial Center

Ms. Hudson distributed a handout entitled "Indiana Drug Courts" (Exhibit #1) and discussed the following regarding drug courts:

- The drug court movement started in 1989 in Miami, Florida.
- Drug courts are currently located in Allen, Lake, Marion and Vigo counties.
- Drug courts are diversion programs for substance abusers who agree to long term

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

treatment for substance abuse instead of a trial and possible criminal conviction. Judgement is withheld for program participants pending the completion of substance abuse treatment.

- For an individual to participate in a drug court diversion program, the individual may not be charged with a crime of violence and has to pay a user fee.
- Many drug court diversion program participants have mental health issues and are required to be treated for their mental health issues.

Responding to questions by members of the Commission, Ms. Hudson stated the following:

- Drug court diversion programs are voluntary.
- Treatment in drug court diversion programs is lengthier than treatment in probation.
- Juvenile drug courts exist.
- Drug court diversion programs are only offered in drug courts, not in county superior or circuit courts.

TESTIMONY REGARDING MEDICAID CROSSOVER CLAIMS

Jeffrey Davis, Indiana Psychological Association

Dr. Davis distributed a handout entitled "Position Paper, Indiana Psychological Association, Crossover Claims" (Exhibit #2). Dr. Davis discussed the following points:

- Dr. Davis is opposed to the current Medicare/Medicaid crossover claims rule which has reduced reimbursement for psychotherapy by 31%.
- Indiana Psychological Association members are increasingly reluctant to provide therapy for Medicare/Medicaid patients because these patients are not cost effective.
- Savings that will result from the 31% reduction in reimbursement may be offset by the overall medical costs for those who are not receiving needed psychotherapy.

Responding to questions by members of the Commission, Dr. Davis stated the following:

- Elderly patients usually require more treatment than other patients.
- Most patients require about six to ten sessions of treatment.

John Manning, CFO, Samaritan Center

Mr. Manning distributed a handout (Exhibit #3) and discussed the following points:

- Samaritan Center has 6 psychologists and 25 masters level social workers.
- Samaritan Center provides services to approximately 4500 patients a year and 464 of the patients are on Medicare and Medicaid.
- Samaritan center has an \$11,000,000 budget, and because the state is now contracting at 80% of what it did in 2001, Samaritan has made substantial cuts including the elimination of one group home for the chronically mentally ill and no pay raises.
- While funding from the state has decreased, the number of patients has remained the same.

TESTIMONY REGARDING GUARDIANSHIPS

Becky Low, AGS Coordinator, Mental Health Association, Marion County

Ms. Low distributed the following handouts: "National Guardianship Association's 2002 Legislative Packet" (Exhibit #4), "Rules and Regulations Regarding Certification and Re-Certification of Registered Guardians" (Exhibit #5), "Adult Guardianship Services" (Exhibit #6), and "Indiana State Guardianship Association" (Exhibit #7). Ms. Low made the following points in her testimony:

- Ms. Low has coordinated guardianship programs in Indiana for 9 years.
- In 1988, Indiana passed a guardianship bill.
- There are 6 guardianship programs in Indiana serving approximately 300 people
- In Marion County, since 1994, the Mental Health Association has been the legal guardian for 370 people, but unfortunately more than 350 requests for guardianships have been turned down.
- In Marion County, despite a \$55,000 grant, there is still a lack of funding and staff to coordinate guardianships.
- Individuals in guardianships include persons with bi-polar disorders and schizophrenia.
- The need for guardianships has increased as state hospitals for the mentally ill have closed.
- The guardianship program in Marion County uses 12 *pro bono* attorneys to assist with processing guardianships.

Judge Larry Bradley, Marion County Mental Health Court

Judge Bradley explained that guardianships are very important for incapacitated or mentally ill adults to assist with medical and personal decisions.

TESTIMONY REGARDING ADVANCE DIRECTIVES

Becky Zody, RN, Crisis Services Director, Mental Health Association, Vigo County

Ms. Zody made the following points in her testimony:

- Advance directives are a legal way for a mentally ill person to choose future treatment when they are in a stable period and to designate an agent to make decisions for the mentally ill person.
- Advance directives are similar to living wills.
- 14 states currently have statutes allowing advance directives.

TESTIMONY REGARDING DENIAL OF FUNDING FOR COUNTY HOMES

Terri Hively, President of the Indiana County Home Association and Director of the Tippecanoe Villa, West Lafayette

Ms. Hively made the following points in her testimony:

- State Medicaid is currently being denied to residents of county homes.
- The average daily cost for a person to live in a county home is \$12.
- There used to be a line item in the budget appropriating \$5,400,000 to county homes. This line item was later combined to also fund Room and Board Assistance facilities. These funds are currently frozen and no additional individuals are funded to live in county homes.
- There are 22 county homes in Indiana.

LouAnn Becker, Administrator of Portage Manor, South Bend

Ms. Becker made the following points in her testimony:

- Approximately 90% of the population in Portage Manor is mentally ill, 8% have developmental disabilities and are mentally ill, and 2% have developmental disabilities but are not mentally ill.
- Residents of county homes cannot receive federal Medicaid.
- Potential residents of county homes often have to choose between receiving Medicaid or having shelter in a county home.

COMMISSION BUSINESS

Future Meeting

The final meeting of the Commission will be on October 30, 2002, at 10:30 A.M., at the Putnam County Courthouse.

Adjournment

Chairperson Crosby adjourned the meeting at 12:30 P.M.